

Remarks

Claims 1-41 are pending in the present application. Claims 1, 21, 35, and 41 are independent.

Embodiment of the Invention

The Applicant respectfully provides the Examiner with a summary of an embodiment of the present invention. Referring to Fig. 2, a wireless data terminal 200 that is able to communicate with a wireless data network 204, which is connected to the Internet 208 via a gateway server 206, is shown. The gateway server 206 is also connected to a wireless switched network 202 and/or a public switched telephone network (PSTN) 210. In addition, the Internet is able to communicate with PSTN 210 through a voice gateway server 212.

The following process is disclosed in the specification for placing a call from a wireless data terminal to a PSTN phone. Please refer to Figures 2 and 4 during the course of this description. A call is placed from the wireless data terminal 200 to a PSTN phone 218. Once the call is placed, it is identified as delay sensitive or delay insensitive (step 302). The determination of whether the data is delay sensitive or delay insensitive may occur at the terminal 200 or externally by hardware or software. When the data is identified as delay sensitive, the data is routed to the PSTN phone 218 via the wireless data network 204, and the gateway server 206. When the data is identified as delay insensitive (step 302), a cellular call is placed by the terminal 200 and routed through the wireless circuit switched network 202 to the PSTN phone 218 until the call is terminated.

Rejection Under 35 U.S.C. § 102 (b)

Claims 1-5, 7, 8, 13, 21-23, 30, 31, 35-29, 41, and 42 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Henry. Applicant respectfully traverses this art grounds of rejection.

Henry teaches a method for combining D-AMPS and CDPD protocols to provide new forms of end-user equipment in a cellular mobile radiotelephone system. Referring to Fig. 5(a) and Fig. 5(b), Henry teaches that existing terminals may operate in CDPD or D-AMPS mode, which can be chosen by the user or an external device. A mobile station is activated in D-AMPS and PDCH, which is an added logical subchannel on the IS-136 digital control channel, where the default operation mode is D-AMPS. When the mobile station is in IS-136 sleep mode and receives a page, the mobile station will enter CDPD mode. When the mobile station is in IS-136 sleep mode and a voice message or call is received, the mobile station is assigned a D-AMPS traffic channel for a voice call. As a result, a mobile station has the ability to switch modes of operation to receive voice and packet data (Col 14, lines 20-21 of Henry). As a result, Henry discloses a methods for allowing a mobile station to receive voice or packet data.

The Examiner asserts that Henry teaches:

a data analyzer (see FIG. 4, a combines system of Processing Unit 180 and transceiver 170) for identifying if data being transmitted is delay sensitive (see FIG. 7d, voice) or delay insensitive (see FIG. 7d, CDPD/packet; see col. 15, lines 10-14, 33-27; see col. 6, lines 25-35; note that the combines system identifies/determines whether the data that is transmitted is voice (i.e. voice mode) or packet (i.e. CDPD/packet mode)

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Namely, the Examiner has stated that the Processing Unit 180 of Henry performs the “identifying” of claim 1. The Applicant traverses this analogy. In Col. 6, lines 28-31 Henry disclose that the Processing Unit 180 evaluates received control channel

information, which includes the characteristics of cells that are available for a mobile station to lock on to, and determines on which cell the mobile station should lock. Further, Henry discloses a method for choosing whether a mobile stations operates in D-AMPS or PDCH mode, where the D-AMPS mode is used to send voice data and the PDCH mode is used to send packet data. It appears that the Examiner has mistakenly considered packet data sent in PCDH mode as delay insensitive data and voice data sent in D-AMPS mode as delay sensitive data. However, voice data is not always delay sensitive data and packet data is not always delay insensitive data. For example, packet data such as streaming video or high priority packet data is often extremely delay sensitive. Henry only recognizes or identifies an operating mode based on whether data to be transmitted is voice data or packet data. Henry does not disclose or suggest a method for “identifying if data being transmitted is delay sensitive or delay insensitive” as recited in claim 1

Independent claims 21, 35, and 41 include similar limitation to claim 1; and therefore, are patentable at least for the reasons stated above with respect to claim 1.

Claims 2-5, 7, 8, 13, 22, 23, 30, 31, 36-39, and 42 dependent on claims 1, 21, 35, and 41 are patentable for the reasons stated above with respect to claims 1, 21, 35, and 41 as well as on their own merits.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Rejection Under 35 U.S.C. § 103 (a)

Claims 6 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Henry. This art grounds of rejection is traversed by the Applicant. For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claim 1. Because claim 6 is dependent upon claim 1, claim 6 is patentable at least for the reasons stated above with respect to claim 1.

Claims 9 and 10 stand rejected under 35. U.S.C § 103 (a) as being unpatentable over Henry in view of Andersson. Applicant respectfully traverses this art grounds of rejection.

For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claims 1. A cursory review of Andersson reveals that it does not overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. Claims 9 and 10, dependent upon claim 1, are patentable for the reasons stated above with respect to claim 1 as well as on their own merits.

Claims 11, 12, 24-29, 32-34, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Chang. Applicant respectfully traverses this art grounds of rejection.

For the reasons stated above, Henry does not disclose or suggest all aspects of claim 1. Further, a cursory review of Chang reveals that it does not overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. Claims 11, 12, 24-29, 32-34, and 40 are allowable due to their dependency on claims 1 as well as on their own merits.

Claim 14 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Dunn. Applicant respectfully traverse this art grounds of rejection.

The Examiner asserts that Dunn teaches:

data being transmitted is multimedia data (i.e. multimedia conference session) comprising a delay sensitive portion (i.e. voice signal portion) and a delay insensitive portion (i.e. data signal portion), the delay sensitive portion being transmitted by the wireless communication connection (see Fig. 3, PSTN 1) and the delay insensitive portion being transmitted by packet transmission (see Fig. 3, Web/Internet 16; see col. 2, line 42-53; note that voice signal portion of multimedia session/data is routed via PSTN and data signal portion of multimedia session/data is routed via Web/Internet).

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It appears that the Examiner has mistakenly considered the voice signal portion of the multimedia data as delay sensitive and the data signal portion of the multimedia data as delay insensitive. However, the voice signal portion of multimedia data is not always delay sensitive data and the data signal portion of multimedia data is not always delay insensitive data. For example, the data signal portion of multimedia data can be assigned a high priority making it delay sensitive and the voice signal portion of multimedia data can be assigned a low priority making it delay insensitive. Dunn only recognizes or identifies multimedia data as consisting of a data signal portion and a voice signal portion. As with Henry, Dunn does not disclose "identifying if data being transmitted is delay sensitive or delay insensitive" as recited in claim 1.

Consequently, Henry in view of Dunn cannot render claim 1 obvious to one skilled in the art. Therefore, claim 14 is allowable at least because of its dependency on claim 1 as well as on its own merits.

Claims 15-20 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Forslow. Applicant respectfully traverse this art grounds of rejection.

For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claims 1. Further, a cursory review of Forslow reveals that it does not

overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. The dependency of claims 15-20 on claim 1 as well as on their own merits, claims 15-20 are allowable. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

CONCLUSION

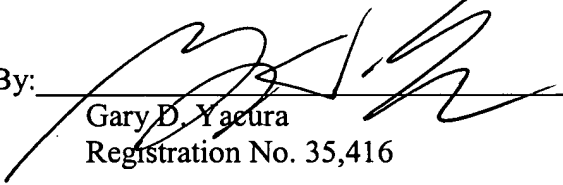
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Jason Rhodes at (703) 668-8020 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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